

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THOSE CHARACTERS FROM CLEVELAND,
LLC,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON
SCHEDULE A HERETO,

Defendants.

Case No.: 21-cv-5592

Judge Manish S. Shah

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on THOSE CHARACTERS FROM CLEVELAND, LLC's Motion for a Preliminary Injunction, and this Court having considered the evidence before it hereby GRANTS Plaintiff's Motion for Entry of a Preliminary Injunction against the Defendants identified in Schedule A attached hereto (collectively, the "Defendants").

THIS COURT HEREBY FINDS, in the absence of adversarial presentation, that it has personal jurisdiction over the Defendants since the Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, Defendants are reaching out to do business with Illinois residents by operating one or more commercial, interactive Internet Stores through which Illinois residents can purchase products bearing infringing and/or counterfeit versions of Plaintiff's CARE BEARS Trademarks and Copyrights (the "CARE BEARS Products").

THIS COURT FURTHER FINDS that injunctive relief previously granted in the Temporary Restraining Order (“TRO”) should remain in place through the pendency of this litigation and that issuing this Preliminary Injunction is warranted under Federal Rule of Civil Procedure 65. Evidence submitted in support of this Motion and in support of Plaintiff’s previously granted Motion for a Temporary Restraining Order establishes that Plaintiff has a likelihood of success on the merits; that no remedy at law exists; and that Plaintiff will suffer irreparable harm if the injunction is not granted.

Specifically, Plaintiff has made a *prima facie* showing of trademark and copyright infringement because (1) the CARE BEARS Trademarks are distinctive marks registered with the U.S. Patent and Trademark Office on the Principal Register as U.S. Trademark Registration Nos. 4,787,519; 5,874,943; 3,336,078; 4,602,800; 1,270,509; 1,773,296; 3,767,824; 1,294,343 and 1,780,477 and copyrighted artwork protected by U.S. Copyright Reg. Nos. VA 1-824-810 and VA 1-982-408 (the “CARE BEARS Trademarks and Copyrights”), (2) Defendants are not licensed or authorized to use the CARE BEARS Trademarks and Copyrights, and (3) Defendants’ use of the CARE BEARS Trademarks and Copyrights is causing a likelihood of confusion as to the origin or sponsorship of Defendants’ products with THOSE CHARACTERS FROM CLEVELAND, LLC. Furthermore, Defendants’ continued and unauthorized use of the CARE BEARS Trademarks and Copyrights irreparably harms Plaintiff through diminished goodwill and brand confidence, damage to Plaintiff’s reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, Plaintiff has an inadequate remedy at law. Moreover, the public interest is served by entry of this Preliminary Injunction to dispel the public confusion created by Defendants’ actions.

Accordingly, this Court ORDERS that:

1. Defendants, their officers, agents, servants, employees, attorneys, and all persons acting for, with, by, through, under or in active concert with them be enjoined and restrained from:
 - a. using Plaintiff's CARE BEARS Trademarks and Copyrights or any confusingly similar reproductions, counterfeit copies or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine CARE BEARS Product or is not authorized by Plaintiff to be sold in connection with Plaintiff's CARE BEARS Trademarks and Copyrights;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine CARE BEARS Product or other product produced by Plaintiff, that is not Plaintiff's or is not produced under the authorization, control or supervision of Plaintiff and approved by Plaintiff for sale under Plaintiff's CARE BEARS Trademarks and Copyrights;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;
 - d. shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear Plaintiff's CARE BEARS Trademarks

and Copyrights or any confusingly similar reproductions, counterfeit copies or colorable imitations thereof; and

- e. using, linking to, transferring, selling, exercising control over, or otherwise owning the Online Marketplace Accounts or any other online marketplace account that is being used to sell Counterfeit CARE BEARS Products.
2. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as iOffer, Context Logic, Inc. (“Wish”), social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, shall within seven (7) calendar days of receipt of this Order:
- a. disable and cease providing services for any accounts through which Defendants engage in the sale of counterfeit and infringing goods using the CARE BEARS Trademarks and Copyrights, including any accounts associated with the Defendants listed in Schedule A; and
 - b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the CARE BEARS Trademarks and Copyrights.
3. Defendants and any persons in active concert or participation with them who have actual notice of this Order shall be restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
4. Wish shall, within seven (7) business days of receipt of this Order, for any Defendant or any of Defendants' Online Marketplace Accounts or websites:

- a. Locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any Wish accounts connected to the information listed in Schedule A hereto; and
 - b. Restrain any such accounts or funds from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
5. Plaintiff may provide notice of these proceedings to Defendants, including notice of any future hearings and service of process pursuant to Fed.R.Civ.P. 4(f)(3), by electronically publishing a link to the Complaint, this Order and other relevant documents on a website, or by sending an e-mail to the e-mail addresses identified in Schedule A hereto and any e-mail addresses provided for Defendants by third parties accompanied by a link to the website where the above-identified documents are located. The combination of providing notice via electronic publication or e-mail, along with any notice that Defendants receive from domain name registrars and payment processors, shall constitute notice reasonably calculated under all circumstances to apprise Defendants of the pendency of the action and afford them the opportunity to present their objections.
6. Plaintiff's Schedule A to the Complaint, the TRO, and all other previously sealed filings are unsealed.
7. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on two days' notice to Plaintiff or on shorter notice as set by this Court.

Dated: December 2, 2021



The Honorable Manish S. Shah
U.S. District Judge

SCHEDULE A

No.	Defendant Name / Alias
1	Aquafortis
2	bi lijia147258
3	ClickMobile
4	Colorful Happy
5	dfgf~535
6	Discover material
7	Forever Socks
8	Fushengnan135
9	gaoyunan1232
10	genesis
11	gfl~66677
12	Guoop
13	huziyao45
14	IBARRA JAMES SELLS
15	ileMao13
16	import virginia
17	iuov215y0ap3pi03
18	jackysiu
19	Jesusuuuu
20	jhijkl~68
21	jkj~6567
22	lanzhongmi15623563
23	lijunyan0423
24	liqiao1684
25	lisufen5567
26	LiuPei2866455
27	liuzeyu0519
28	lyxjyx
29	Maeshpp
30	nameiling191106
31	mayan811
32	Miguelcuenta
33	MMNNBB
34	Mrs.Han
35	mruye3
36	Nathoy Pants
37	Net-working
38	nini8469008

39	NitroStars
40	niyuling1357
41	nquREgk24
42	qinll
43	Radiant-sunshine
44	Resnai42
45	rongjingjing
46	rxycarr
47	Sapinstshop
48	sdnajxun
49	shabee3452
50	shenjimei205501
51	shilei0622
52	Shop Online LZD
53	since1872
54	siuekjjknfe
55	small hag
56	songziyi16825
57	tanw
58	tanxiongjiao701
59	Televisortop
60	Tenet Clean
61	tengguiying66589
62	TVonline
63	uzuio9
64	Vieccistop
65	Wang Xiangyu-Terry 352
66	wangmingzhena
67	wngqianwen
68	xiaorana
69	Xiguasha More zitan yougou
70	xiongwenwu
71	xm2020
72	ying-12032962
73	yique07733
74	youyun11530
75	yuanfang123456
76	yuanfenxie00
77	yufeile
78	Yuthreen Golden
79	zhangbaishuai5018

80	zhangjiaming Store
81	zhangjinsuo720925
82	zhaoqing Store
83	zhenqiuyupao
84	zhongxiaomei
85	zhoutiancheng3314
86	ZYX258
87	6GGVO9YUT
88	Aehtere bibs
89	ajue72
90	AlidaStore
91	Ambrosia Owen
92	an11gwayash
93	Andrew Spinks
94	AnnaBo
95	Beaut-Pavilion
96	becrngyun
97	chaxiaoyan0344963589
98	chengzhen666
99	Chenlili789
100	chuiyingpanjiu
101	chungnguyen
102	chuxiaofeng1699
103	Dabchick
104	delicacyJin
105	Design For Worldwide
106	dfhdajg
107	dfwrsthyjtd
108	duaotion
109	duhuimin88866
110	Edwin Morales66
111	edxtech
112	eila0pha
113	Envy Iteri
114	ewrfd
115	Fashingming99
116	gaosiyang Store
117	gsdeqr online store
118	gugu558
119	guohongliang 00856
120	hanjiahui1411

121	hejinhuaer
122	helin1993
123	hlei5586
124	hokjuh Friday
125	huangxianhui66058
126	hufuyong3648
127	In-Moon.Light
128	Javimarket1988
129	JINGYUyun88
130	Joyce Bray
131	K-Mild
132	LaiyanciqE
133	lansitute
134	lihaixia0987
135	lihui3297
136	lijiawei4628
137	liping870624
138	liujianghuai123
139	liuping72963
140	Lixiumei1314
141	liyaolong13
142	luv luv meow
143	macce
144	maxiaobin464848
145	minzustyle
146	molili61018
147	naishikuan138792489
148	omyg
149	ouyongfeng8899
150	PerInterest Store
151	piprintondemand
152	Q ZLP EZS
153	qu15967
154	RedBuffaloShop
155	RitaBanfelde
156	SDGEGWW
157	shiyang55667
158	Showing goodgood shop
159	SHruiruir
160	Silver-eared Mesia
161	Skgnsoadkafspdpfodfkdh33

162	smaloadbixwj
163	Sueyisen baby's
164	surprise ping
165	surprise shi
166	tangyanqiong21
167	Ternechel
168	The other shore flower
169	Tina. Webb
170	tt8t8t8
171	tuyruwuhe
172	Usefully
173	Venbin Wutong
174	wall canvas
175	wangqiushan123
176	wasfa
177	weian fashion
178	Weiteifoumi Gifts
179	wenlonghui666
180	wfh24
181	wnkjdhiyhfi
182	wuygl sdf25
183	xjrbfd shopping
184	xuqingchu fashoin
185	xuyiyi
186	y6y8h8
187	yaomingfan
188	YIJIN42
189	YIJIN43
190	Yinfomathsmede
191	yinjianing1
192	YJUDTKTUKYA
193	yubaoshui886
194	yueliuzhiqiu
195	yujingqi6332
196	yuqiang668
197	yuxingxue54648
198	yydydyideyi
199	YYTT9T9
200	Zabrina Robinson
201	ZenithY
202	zhangchangbin

203	zhangfengqi123456
204	zhanghaiqiang15
205	zhangleilei163
206	zhangliyun1953
207	zhangmei5636956
208	zhangsan0806
209	zhanyongxue23
210	zhaohuaizhi464576
211	zhengyunyun0912
212	Zhuhai Haobo Trading Company
213	ZIHANGTXfs0002
214	ZLYSHOP